

**Village of Indian Head Park
201 Acacia Drive
Indian Head Park, IL 60525**

**MINUTES
VILLAGE OF INDIAN HEAD PARK
PLANNING AND ZONING COMMISSION
PUBLIC HEARING**

“Pursuant to 5 ILCS 120/2.06 (3) minutes of public meetings shall include, but need not be limited to: a general description of all matters proposed, discussed, or decided, and a record of votes taken.”

Tuesday, September 7, 2010

7:30 P.M.

CALL TO ORDER – CHAIRMAN DENNIS SCHERMERHORN

A public hearing was hosted by the Village of Indian Head Park Planning and Zoning Commission on Tuesday, September 7, 2010, at the Municipal Facility, 201 Acacia Drive. Zoning Petition #175 was presented to the Commission by Mr. Kerry Jantzen, owner of the property at 245 Cascade Drive. Mr. Jantzen is requesting rear and side yard variations and an amendment to the Acacia Development Planned Unit Development to allow for the construction of a new deck and privacy wall. The meeting was convened at 7:30 p.m. by Chairman Dennis Schermerhorn. Kathy Leach, Zoning Commission Secretary, called the meeting to order.

ROLL CALL: PRESENT (AND CONSTITUTING A QUORUM):

Chairman Dennis Schermerhorn
Commissioner Noreen Costelloe
Commissioner Denise Ingram
Commissioner Earl O'Malley
Commissioner Jack Yelnick

NOT PRESENT:

Commissioner Diane Andrews

PLEDGE OF ALLEGIANCE TO THE FLAG

Chairman Dennis Schermerhorn and the Planning and Zoning Commission members led the audience in reciting the Pledge of Allegiance to the Flag as follows: ***"I Pledge Allegiance to the Flag of the United States of America and to the republic for which it stands, one nation under God indivisible with liberty and justice for all"***.

QUESTIONS AND/OR COMMENTS FROM INDIAN HEAD PARK RESIDENTS/PROPERTY OWNERS IN ATTENDANCE REGARDING ZONING AGENDA ITEMS

None

PUBLIC HEARING HELD BEFORE THE VILLAGE OF INDIAN HEAD PARK PLANNING AND ZONING COMMISSION (PUBLIC COMMENTS RECEIVED AFTER DISCUSSIONS BY THE PLANNING AND ZONING COMMISSION MEMBERS AND PRIOR TO VOTES)

ZONING AGENDA ITEMS:

- 1. Petition #175 – A Petition for a rear and side yard variations and an amendment to the Acacia Development Planned Unit Development regarding a new deck and privacy wall at 245 Cascade Drive, Indian Head Park.**

Chairman Schermerhorn noted a zoning petition was filed with the Village requesting variations and an amendment to the Acacia Planned Unit Development to allow for the construction of a new deck that encroaches approximately thirty-three feet (33') into the rear yard setback and approximately twenty-feet (20') into the south side yard setback and a privacy wall. The property is located at 245 Cascade Drive. The following exhibits were presented and reviewed by the Commission concerning this zoning petition: (1) a zoning petition form dated August 4, 2010 signed by Mr. Kerry Jantzen; (2) a letter of approval from the Acacia Association Architectural Committee; (3) a copy of the proposed deck and privacy wall plans; (4) a memo to public works regarding posting of the zoning sign on the subject property; (5) a certificate of publication notice in the Suburban Life newspaper on Wednesday, August 18, 2010; (6) a plat of survey of the property showing the location of the proposed deck and privacy wall (7) a copy of the letter that was sent to the adjacent property owners;

(8) a plan review report dated August 2, 2010 prepared by the Village's plan review consultant and; (9) a list of adjacent property owners within two hundred and fifty feet of the subject property;

Mr. Kerry Jantzen stated that he hopes to obtain approval to add a new deck on the rear of his property at 245 Cascade Drive for the following reasons: (1) for safety to be able to utilize the outdoor space as much as possible. He noted his property borders Cascade Drive, Acacia Drive and Wolf Road and a deck would allow his children to play outside in a contained area; (2) to add value to the home with use of additional outdoor space; (3) it is common in the Acacia community to have a deck. Mr. Jantzen pointed out there are over one hundred Dearborn townhome units in Acacia that have a deck on their property including a privacy wall and (4) the privacy wall is an essential part of the new deck to help block some of the open views that exist from both the exterior and interior of the home. He noted that the deck and privacy wall would block the view from the street into the lower level of the home and kitchen from Acacia Drive and Wolf Road and would dramatically reduce the headlight impact from traffic on the entire west side of the property.

Chairman Schermerhorn noted there were no letters from an adjacent property owners either in favor of granting the zoning relief requested or opposing the requested variations and amendment.

Chairman Schermerhorn stated that there is a precedent established with regard to zoning approvals granted in the Acacia Subdivision to allow for the construction of new decks and a privacy wall. He noted a rear yard variance was granted previously for decks in Acacia that extended into the rear yard setback of the properties. Chairman Schermerhorn asked Mr. Jantzen how the privacy wall will be constructed. Mr. Jantzen stated the privacy wall will be vertical and will be five-feet in height and the deck will be constructed according to the requirements of Village code.

Commissioner O'Malley asked if a deck would also be installed on the lower level of the townhome unit where the walkout patio is located. Mr. Jantzen stated an upper deck will only be built off the kitchen area of the unit with two steps down to grade and a lower level deck would not be built because there are two big evergreen trees to be preserved. The deck would have a 7' 4" setback from the rear (west) property line and a south side deck railing at 5' in height.

Commissioner Yelnick stated that he would like to have consistency of the deck at the same height as the privacy wall instead of stepping up the elevation in another area of the deck. Mr. Jantzen stated he has a Dearborn end townhome unit and there are several other Dearborn units in Acacia with a 60" privacy wall.

The Commission members reviewed the following Findings of Fact with regard to the residential property at 245 Cascade Drive to evaluate evidence presented in response to the following criteria before recommending a variation, as required by the Village's Zoning Ordinance, ***Title 17 Zoning, Section 17.23.060E***: (1) that the property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations governing the district in which it is located (not applicable - this reference pertains only to commercial properties); (2) the plight of the owner is due to unusual circumstances (all commissioners agree); (3) the variation, if granted, will not alter the essential character of the locality (all commissioners agree); (4) the particular physical surroundings, shape or topographical conditions of the specific property involved would bring a particular hardship upon the owner as distinguished from a mere inconvenience if the strict letter of the regulation were to be carried out (all commissioners agree); (5) the conditions upon which the petition for variation is based would not be applicable generally to other property within the same zoning classification (all commissioners agree); (6) the purpose of the variation is not based upon a desire to make money out of the property (all commissioners agree); (7) the alleged difficulty or hardship has not been created by any person presently having an interest in the property (all commissioners agree) (8) the granting of the variation will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located (all commissioners agree); (9) the proposed variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the danger of fire, or otherwise endanger the public safety, or substantially diminish or impair property values within the neighborhood (all commissioners agree).

Commissioner O'Malley moved, seconded by Commissioner Costelloe, to accept the findings of fact with regard to the zoning matter before the Planning and Zoning Commission this evening. Motion carried by unanimous roll call vote (5/0/1).

*Aye: Chairman Schermerhorn
Commissioners: Costelloe, Ingram, O'Malley, Yelnick
Nay: None
Absent: Commissioner Andrews*

Chairman Schermerhorn entertained a motion to submit a recommendation to the Village Board to accept the petition as presented for approval. Commissioner Ingram moved, seconded by Commissioner O'Malley, to submit a recommendation to the Village Board for approval of a rear and side yard variation and an amendment to the Acacia Development Planned Unit Development to allow for the construction of a deck approximately thirteen-feet 8 inches (13' 8") by seventeen-feet eight inches (17' 8") with a deck railing height on the south side and privacy wall sixty inches in height (60") at 245 Cascade Drive as proposed in the plans submitted to the Commission. The remaining deck railing would be forty-two inches (42") in height. Carried by unanimous roll call vote (5/0/1).

*Aye: Chairman Schermerhorn
Commissioners: Costelloe, Ingram, O'Malley, Yelnick
Nay: None
Absent: Commissioner Andrews*

Chairman Schermerhorn stated that a report will be presented to the Village Board at the next meeting and a recommendation will be provided to approve granting the variations and an amendment to the Acacia Development Planned Unit Development for the property located at 245 Cascade Drive consistent with the plans for the deck and privacy wall submitted to the Commission.

PUBLIC COMMENTS FROM THE AUDIENCE

There were no public comments from the audience.

**REVIEW AND APPROVAL OF PLANNING AND ZONING
COMMISSION MEETING MINUTES (DISCUSSION AND A
POSSIBLE VOTE MAY TAKE
PLACE)**

***Minutes of the Planning and Zoning Commission Meeting held
May 4, 2010***

***Minutes of the Planning and Zoning Commission Meeting held
June 1, 2010***

Meeting minutes were presented to the Commission for review and approval. Commissioner Costelloe moved, seconded by Commissioner Yelnick, to approve the May 4, 2010 meeting minutes, as presented. Carried by unanimous voice vote (5/0/1). Commissioner O'Malley moved, seconded by Commissioner Ingram, to approve the June 1, 2010 meeting minutes, as amended. Carried by unanimous voice vote (5/0/1).

ADJOURNMENT

There being no further business to discuss before the Commission, Commissioner Costelloe moved, seconded by Commissioner Yelnick, to adjourn the meeting 8:05 p.m. Carried by unanimous voice vote (5/0/1).

Respectfully Submitted,
Kathy Leach, Recording Secretary
Planning and Zoning Commission